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May 29, 2007

Cheryl L. King, AICP  
Staff Director  
Georgia Regional Transportation Authority  
245 Peachtree Center Avenue, Suite 800  
Atlanta, Georgia 30303

### RE: Exemption for Vehicles Operated by Local Governments

As we have discussed via telephone, the language of O.C.G.A. § 46-1-1 (9) (C) (viii) clearly excepts from the definitions of “motor common carrier” and “motor contract carrier” and, hence, from regulation as such by the Georgia Public Service Commission (hereinafter “GPSC” or “the Commission”) of any “motor vehicles owned or operated exclusively by the United States government or by this State or any subdivision thereof;...” Thus, even if state authorities such as Georgia Regional Transportation Authority (“GRTA”) or the Metropolitan Atlanta Rapid transit Authority (“MARTA”) did not have specific exemption provisions in their respective enabling statutes, the above-quoted language from Title 46 clearly and unequivocally exempts them from GPSC regulation, as well as any county-owned or county-operated bus line, such as Cobb community Transit and Gwinnett Transportation Management, Inc., d/b/a Gwinnett County, both of which cancelled previously-issued Commission motor carrier passenger certificates on April 1, 2005 in recognition that O.C.G.A. § 46-1-1 (9) (C) (viii) exempted their respective bus operations from Commission jurisdiction.

Unless and until the General Assembly should amend O.C.G.A. § 46-1-1 (9) (C) (viii) to put county vehicles back into the definitions of “motor common carrier” and “motor contract carrier” (and the Commission is certainly not seeking such legislation), the Commission has no authority or intention to regulate county bus systems. The only conceivable reason for the Commission to issue any county a bus certificate or permit would be that such becomes a requirement by the U.S. Department of Transportation’s Federal Motor Carrier Safety Administration (“FMCSA”) for federal funding and the State Revenue Department’s certification process were unavailable to counties for some reason. Only in such a situation, where a county bus operator requested certification from the Commission for the purpose of retaining or receiving federal funding (which would otherwise be unavailable) would the Commission even consider issuing a certificate to such a county bus line; and, then, it would be as a favor to the local government rather than an assertion of jurisdiction by the Commission.

Letter to Cheryl King at GRTA

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Please feel free to share this letter with other statutory authorities and county governments operating bus lines as GRTA sees fit. However, contrary to your and my earlier first impression, both Cobb Transit and Gwinnett Transit are already well aware of O.C.G.A. § 46-1-1 (9) (C) (viii), as evident from their April 1, 2005 cancellation of all certificates issued to either of them by the Commission.

Cordially,



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